UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,936	12/22/2000	Gopal Parupudi		2341

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EXAMINER
MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/746,936	PARUPUDI ET AL.
	Examiner	**Art Unit**	
	Joseph R. Maniwang	2144	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _13 April 2005_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,2,4-20,22-33,35-41,43-48,50-58,60-67,69-74 and 76-97_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,2,4-20,22-33,35-41,43-48,50-58,60-67,69-74 and 76-97_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

04/13/05 has been entered.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 91-97 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

5.   Regarding claims 91-96, "A computer architecture comprising: a context

service...; and a policy engine...; appears to be nothing more than software not tangibly

embodied in a manner so as to be executable and is therefore non-statutory.

6.   Regarding claim 97, "A computer system comprising: a context service...; and a

policy engine...; appears to be nothing more than software not tangibly embodied in a

manner so as to be executable and is therefore non-statutory.

Claim Rejections - 35 USC § 103

7.   Claims 1, 2, 4-20, 22-33, 35-41, 43-48, 50-58, 60-67, 69-74, and 76-97 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Olarig et al. (U.S. Pat. No.

6,125,446), hereinafter referred to as Olarig, and further in view of Lampert et al. (U.S.

Pat. No. 5,953,722), hereinafter referred to as Lampert.

8.   Olarig disclosed a method and system for enforcing policies on a device

comprising receiving context information of the device (including GPS location data),

determining a current context from the context information, evaluating associated

policies, and enforcing them on the device as claimed (see column 2, lines 28-43;

column 4, lines 10-17; column 5, lines 16-28, 57-62). The device contained processors,

memory, and applications as claimed (see column 2, lines 28-34; column 4, line 46

through column 5, line 15). Context information was received from externally of the

device from a GPS system, and evaluated locally by the device software encryption

application (see column 2, lines 28-43). Such context information could be received

wirelessly (see column 5, lines 16-28). The system was capable of continuous context

monitoring and automatically determining a new context when the current context had

changed, where the new context would be evaluated and new policies would be

enforced accordingly (see column 3, line 67 through column 4, line 9). Olarig disclosed

the ability to receive different types of context information from multiple different context

providers (see column 6, lines 14-17). Examiner asserts that Olarig implicitly disclosed

a device configured to receive policies from different sources as claimed. The device

disclosed by Olarig enforced country-specific policies/laws (see column 6, lines 25-34).

Olarig recognized that such laws had an effect on the implementation of the invention

(see column 7, lines 8-10). Furthermore, Olarig disclosed the use of additional software

to address accuracy limitations of GPS when country borders were in question (see

column 7, lines 11-20). For a device to successfully enforce such varied country-

specific laws would necessitate the support of all laws by the device. The ability to

receive different policies from different sources then was inherent in the invention of

Olarig, as it would have been a necessary limitation in order to accommodate the wide

range of country-specific policies/laws for enforcement. Olarig disclosed using the

system in context of an enterprise, enforcing policies defined by the enterprise (see

column 2, lines 54-57). Olarig disclosed the use of a portable device (see column 4,

lines 46-47). A handheld device as claimed is implicit in the disclosure of a portable

device. Olarig disclosed the use of a wireless device (see column 5, lines 16-28, 29-

41). Examiner asserts that Olarig implicitly disclosed evaluating policies remote from

the computing device as claimed, stating the possibility of using different multiprocessor

architectures spanning multiple computing devices. For example, Olarig disclosed

using a separate dedicated processor and location processor, one that

enabled/disabled application features and the other for determining context information

(see column 6, line 60 through column 7, line 20).

9.   While Olarig disclosed the use of GPS for determining the current context of a device, Olarig did not disclose determining the current context using one or more hierarchical traversable tree structures comprised of individual nodes associated with a context, the current context determined by traversing at least one node of the tree structure, wherein individual nodes comprised an entity identification.

10.   In a related art of computer-based geographic systems, Lampert disclosed a method and system for making and using a geographic database. Lampert disclosed maintaining a database representing a geographic region for use with a navigation application program (see column 2, lines 45-47). The database included a plurality of entities, which represented a physical feature in the geographic region. Each entity further contained features or attributes in the area. Lampert disclosed the use of entity IDs associated with each of the data entities (see column 2, lines 43-61; column 4, lines 25-43). The entity IDs assigned to each entity were unique (see column 20, line 63 through column 21, line 10). Lampert further disclosed maintaining the database entities as a traversable tree structure whose individual nodes represented divisions of the geographic region.

11.   It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Olarig and Lampert to provide a system configured to receive current context information externally of a device, determine the current context from the context information, evaluate a collection of policies in connection with the current context to provide a resultant set of policies, and enforce the resultant set of policies on an application on the device, the current context determined

by traversing tree structures comprised of individual nodes associated with a context

and an entity ID as claimed. The invention of Olarig generally related to the use of

navigation applications for enforcing security features on a device. The teachings of

Lampert suggested the use of tree structures and entity IDs for use in navigation

applications. As the particular features of the geographic database disclosed by

Lampert were for use with a navigation application program, one of ordinary skill in the

art would have been motivated to consider the use of tree structures and entity IDs in

the invention of Olarig as they provided efficient and quick operation of navigation

systems. An ordinary artisan also would have been motivated to consider incorporating

such features as Lampert disclosed them to be advantageous in systems with limited

memory resources (see column 1, line 65 through column 2, line 26). This would have

proved beneficial in the invention of Olarig that made use of a portable computer, which

an ordinary artisan would have recognized as having limited memory resources (see

column 4, line 46).

Response to Arguments

12.   Applicant's arguments filed 04/13/05 have been fully considered but they are not

persuasive.

13.   Regarding claims 1, 2, 4-20, 22-33, 35-41, 50-58, 60-67, 69-74, and 76-97

rejected under 35 U.S.C. 103(a) as being unpatentable over Olarig et al. (U.S. Pat. No.

6,125,446), hereinafter referred to as Olarig, in view of Lampert et al. (U.S. Pat. No.

5,953,722), hereinafter referred to as Lampert, Applicant generally asserts that a prima

facie case of obviousness has not been established. With respect to claim 1, Applicant

asserts that Examiner has failed to present a convincing line of reasoning which

explains why it would have been obvious to incorporate the teachings of Lampert into

Olarig. Applicant acknowledges that the combination would be motivated in order to

provide efficient and quick operation of navigation systems and advantageous in

systems with limited memory resources, but asserts that the motivation to improve

efficiency is too general and does not address why this specific proposed modification

would have been obvious. However, Examiner submits that the motivation to combine

the references recited are sufficient in addressing this issue. As recited in the above

rejection, one of ordinary skill in the art would have been motivated to consider the use

of tree structures and entity IDs in the invention of Olarig as they provided efficient and

quick operation of navigation systems, and the teachings of Lampert were

advantageous in systems with limited memory resources. As the invention of Olarig

made use of navigation data and a portable computer, it would have been obvious to

use an improved way of using navigation data in a portable computer, such as the way

described by Lampert which taught the use of memory-efficient data trees. Thus, it is

clear that the motivation to combine the teachings of the references exists, and that a

prima facie case of obviousness has been established.

14.   Regarding claims 2, 4-20, 22-33, 35-41, 43-48, 50-58, 60-67, 69-74, 76-79, 82-

88, and 90-97, Applicant similarly asserts that a prima facie case of obviousness has

not been established as argued with respect to claim 1. For the same reasons recited

above, Examiner submits that a prima facie case of obviousness has been established

as proper motivation to combine the references has been shown.

15.   Regarding claims 79-81, Applicant additionally asserts that Olarig does not

inherently disclose "collecting policies from multiple different policy sources to provide a

collection of policies" as claimed. However, Examiner submits that such a limitation is

in fact inherent in the diclosure of Olarig. Although for example, as asserted by

Applicant, a single database may embody the country-specific policies/laws, the fact

that the invention of Olarig supported the policies of several countries with their own

legal restrictions (see column 1, lines 35-39) requires that each of the country-specific

policies come from a multiplicity of policy sources as broadly claimed. In other words, a

country-specific policy originates from its own respective source country, so to support a

plurality of country-specific policies would require a plurality of source countries for each

policy.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph R. Maniwang whose telephone number is (571)

272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JM

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PRIMARY EXAMINER